

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 03, 2019

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB18-0337
1600-1634 Alton Road "1212 Lincoln Road"

DRB18-0337, 1614-1634 Alton Road "1212" Lincoln Road. An application has been filed requesting Design Review Approval for ratification and approval, pursuant to a settlement agreement between the City and the Applicant, of a portion of "electronic noncommercial graphics and images" elements of the building; exterior design modifications to the exterior of the building including exterior lighting features; and the design of a uniform commercial signage program including variances to exceed the maximum size for projecting signs, to exceed the maximum aggregate sign area allowed per tenant, to exceed the maximum size for directory signs, to install directory signs as projecting signs, to install more than one directory sign, to install multiple signs above the first floor, to install multiple signs without providing direct access from the street, to install signage facing a non-street façade, to install a building identification sign below the roof line and to install a building identification sign as a projecting sign.

RECOMMENDATION:

Approval with conditions

Approval of the variance requests

LEGAL DESCRIPTION:

Lots 1 thru 9 of Block 45 of the "Commercial Subdivision", According to the Plat thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On September 23, 2014, the Planning Board approved PB File No. 2207, granting a Conditional Use Permit (CUP) for the construction of a commercial development exceeding 50,000 square feet. On October 07, 2014, the Design Review Board approved a new five-story commercial building with accessory parking, pursuant to DRB File No. 23078. Both of those Land Use Board approvals were for lots 3 through 9 of the subject block. The applicants then acquired the remaining lots on the block (lots 1 and 2, i.e. Dunkin Donuts site) and began a new approval process for a new design that encompassed the entire block.

On May 24, 2016, the Planning Board approved a new Conditional Use Permit for the construction of a commercial development exceeding 50,000 SF, pursuant to PB File No. 2325.

On July 5, 2016, the Design Review Board approved a new five-story commercial building with accessory parking and a hotel component to replace all existing structures on site, including variances to reduce the required pedestal and tower front, street side and rear setbacks for hotel use, and to reduce the required pedestal and tower rear setback for commercial use, pursuant to DRB0416-0015. This project was approved to take place in three (3) phases as a phased development project. The applicants also requested Design Review Approval for the installation of an artistic super graphic on the north and east elevation, but this portion of the application was deferred to a later date and was never

heard. In interim, the applicant sought a change to the land development regulations relating to the structure type for supergraphics.

On July 5, 2016, the DRB approved the following variances:

1. A variance to reduce the minimum required front pedestal setback of 20'-0" for residential uses in order to construct a building with hotel uses on the third (3rd) and fourth (4th) floors at 0' setback from the front property line, facing Alton Road.
2. A variance to reduce the minimum required tower front setback of 30'-0" for residential uses in order to construct a building with hotel uses on the fifth (5th) floor at 0' setback from the front property line, facing Alton Road.
3. A variance to reduce by 5'-0" the minimum required pedestal rear setback of 15'-0" for residential uses in order to construct a building with hotel uses on the first (1st) and second (2nd) floors at 10'-0" from the rear property line facing the alley.
4. A variance to reduce the minimum required pedestal rear setback of 15'-0" for residential uses in order to construct a building with hotel uses on the third (3rd) and fourth (4th) floors at 0' setback from the rear property line facing the alley.
5. A variance to reduce the minimum required tower rear setback of 22'-6" for residential uses in order to construct a building with hotel uses on the fifth (5th) floor at 0' setback from the rear property line facing the alley.
6. A variance to reduce the minimum required pedestal street side setback of 37'-9" for residential uses in order to construct a building with hotel uses setback from 15'-7 to 0' from the north side property line, facing Lincoln Road.
7. A variance to reduce the minimum required tower street side setback of 37'-9" for residential uses in order to construct a building with hotel uses on the fifth (5th) floor at 0' setback from the north side property line, facing Lincoln Road.
8. A variance to reduce the minimum required pedestal rear setback of 5'-0" for commercial uses in order to construct the a building at 0' setback from the rear property line.
9. A variance to reduce the minimum required tower rear setback of 5'-0" for commercial uses in order to construct the a building at 0' setback from the rear property line.

On February 06, 2017, pursuant to DRB16-0090, the DRB approved the following variances:

10. A variance to exceed by 2'-0" the maximum height allowed of 3'-0" above the main roof line for accessible roof deck to construct 8,974 sf of deck area at five feet (5'-0") above the main roof line.
11. A variance to exceed by 50% the maximum roof deck area allowed of 50% of the enclosed floor below in order to construct an accessible roof deck with 100% of the area of the enclosed floor below.

On February 06, 2017, pursuant to DRB16-0090, the DRB approved the following design modification:

- The height of the ground floor retail component shall be permitted to be increased as proposed, the first floor of the building may be measured up to twenty (20) feet.

On October 03, 2017, the Design Review Board approved two digital LED screens featuring artistic super graphics on the north and east elevations of the building, pursuant to DRB0416-0015.

On October 03, 2017, the DRB approved the following variance:

12. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 SF and 85% of units shall be 335 SF or larger, in order to permit 165 hotel units (98.2%) at less than 300 SF (the smallest at 186 SF) and 3 units (1.8%) at 421SF.

Further, on October 03, 2017, the DRB approved two artistic noncommercial electronic graphics: one facing south (Southern Wall) at a proposed size of approximately 90'-2" wide and 37'-2" high for a total area of **3,380 SF**; and one facing north (Grand Staircase) at a proposed size of 24'-5" wide and 43'-8" high for a total area of **1,063 SF**. Both LED panels were designed as open air exterior architectural elements, structurally connected to the wall of the building. The applicant proposed to operate the graphic system of the LED panels at all times. The City Manager sought appellate review by the City Commission of the design by the DRB to approve the south wall graphic sized at 3,380 SF; the City Manager did not appeal the north wall graphic (Grand Staircase). Today's application includes the ratification and approval, pursuant to a settlement agreement between the City and the Applicant, for a reduction in size for the south wall graphic from 3,380 SF to no greater than 1,005 SF in area. Additionally, a reduction of the operational hours for both signs was agreed upon as part of the settlement agreement.

On June 04, 2019, the item was continued to the July 02, 2019 DRB meeting at the request of the applicant.

The majority of the original proposal was approved at the July 03, 2019 Design Review Board meeting, including the overall signage program for the ground floor and second floor tenants that involved multiple variances. Additionally, the Settlement Agreement pertaining to the digital display was ratified at the July DRB meeting. The directional signage as well as the "PARKING" projecting signs were continued to the September 03, 2019 meeting by the Board in order to refine and reduce the overall proposal.

The following variances were **continued** to the September 03, 2019 Design Review Board meeting by the Board:

13. A variance to install two (2) directory signs at the ground level where only one is allowed fronting Alton Road.
14. A variance to install a directory sign as a projecting sign at the ground floor on the north side.
15. A variance to install a directory sign as a projecting sign at the ground floor on the south side.

16. A variance to exceed by 9 SF the maximum sign area of 6 SF for directory signs in order to install a directory sign at the ground level with 15 SF on the north side fronting Alton Road.
17. A variance to exceed by 9 SF the maximum sign area of 6 SF for directory signs in order to install a directory sign at the ground level with 15 SF on the south side fronting Alton Road.
45. A variance to install a projecting sign for parking above the ground floor facing Alton Road.
46. A variance to install a projecting sign for parking above the ground floor facing 6th Street.
55. A variance to exceed by 215.9 SF the maximum sign area of 15 SF for projecting signs in order to install a projecting sign for parking with 230.9 SF facing Alton Road.
56. A variance to exceed by 130.3 SF the maximum 15 SF for projecting signs in order to install a projecting sign for parking facing 6th Street with 145.3 SF.
65. A variance to exceed by 230.9 SF the maximum zero (0 SF) SF of sign area allowed in order to install a projecting sign for parking facing Alton Road with a total area of 230.9 SF.
66. A variance to exceed by 82.7 SF the 62.6 SF maximum aggregate sign area allowed in order to install a projecting sign for parking with 145.3 SF facing 6th Street.

The following variances were **approved** by the Board at the July 02, 2019 meeting:

- 18 - 25. Variances from the requirement of having direct access to the street for each licensed establishment to install eighteen (18) signs for 8 commercial spaces at the second floor of the building.
26. A variance from the requirement of having direct access to the street for each licensed establishment to install a projecting sign for parking facing Alton Road.
- 27 - 44. Variances for the installation of sixteen (**16**) signs to be located above the ground floor for 8 commercial spaces at the second floor.
- 57 – 64. Variances to exceed by **18 SF** the maximum of zero (0 square feet) square feet of sign area allowed in order to install one **15 SF** projecting sign and one 3 SF projecting sign a **maximum of 8** commercial spaces at the second floor resulting in an aggregate sign area of 18 SF for each commercial space.
68. A variance to relocate a building identification sign '1212' below the main roof line facing Alton Road.
69. A variance to install a building identification sign '1212' as a projecting sign facing Alton Road.
70. A variance to exceed by 157.5 SF the maximum sign area of 15 SF for a projecting sign '1212' proposed as a building identification sign with 172.5 SF facing Alton Road.

The following variance(s) were **denied** by the Board at the July 02, 2019 meeting:

- 1 - 6. Variances to exceed by 5.0 SF the maximum sign area of 15 SF allowed for projecting signs in order to install one 20 SF projecting sign for 6 commercial spaces at the ground level along Alton Road. (Variances denied)
- 7 - 12. Variances to exceed by 1.81 SF the maximum sign area of 21.18 SF in order to install one 20 SF projecting sign and one 3 square feet projecting sign for 6 commercial spaces at the ground level along Alton Road resulting in an aggregate sign area of 23 SF for each commercial space. (Variances denied)
- 47 – 54. Variances to exceed by 5 SF the maximum sign area of 15 SF for projecting signs in order to install one 20 SF projecting sign for 8 commercial spaces at the second floor.
67. A variance to install a projecting sign on a non-street façade at the north side of the building for the commercial space located at the north corner of the second floor of the building.

APPROVED PROJECT:

Zoning:	CD-2 MEDIUM INTENSITY COMMERCIAL DISTRICT
Future Land Use:	CD
Lot Size:	70,666 SF / 1.62 acre
Proposed FAR:	2.0 – 141,332 SF Total Area as represented by the applicant
Permitted FAR:	2.0 – 141,332 SF
Proposed Height:	60'-0" 5 stories / 77'-0" to greatest architectural projection
Permitted Height:	60'-0" / 5 stories
Proposed Uses:	
Previous Hotel:	100 Units / 44,938 SF
Proposed Hotel:	168 Units / 44,938 SF
Retail:	92,725 SF
Parking:	447 Spaces

LAND USES:

North: (across Lincoln Road) Commercial
South: (across 16th Street) Commercial
East: (across Alton Road) Commercial / Regal Cinemas
West: (across Alton Court) Public Parking/Multifamily Residential

THE PROJECT:

The applicant has resubmitted revised plans entitled "1212 Lincoln Road", as prepared by **Perkins + Will**, dated July 8th, 2019

The applicant is requesting the following variances:

A. DIRECTORY SIGNS AT THE GROUND FLOOR: The following variances pertain to the installation of the uniform signage program at the ground level.

13. A variance to install two (2) directory signs at the ground level where only one is allowed fronting Alton Road.
14. A variance to install a directory sign as a projecting sign at the ground floor on the north side.

15. A variance to install a directory sign as a projecting sign at the ground floor on the south side.
16. A variance to exceed by ~~9 SF~~ **4 SF** the maximum sign area of 6 SF for directory signs in order to install a directory sign at the ground level with ~~45 SF~~ **10 SF** on the north side fronting Alton Road.
17. A variance to exceed by ~~9 SF~~ **4 SF** the maximum sign area of 6 SF for directory signs in order to install a directory sign at the ground level with ~~45 SF~~ **10 SF** on the south side fronting Alton Road.

- Variances requested from:

Sec. 138-20. - Directory signs.

Commercial buildings are allowed an exterior directory sign, attached to the building, up to six square feet in area, listing the names of all licensed uses within the building is permitted; sign material and placement shall be subject to approval through the design review process

Variances #13 through #17 pertain to the installation of two directory signs at the ground level, providing pedestrians and shoppers with information and wayfinding direction to the second floor retail area that has circulation access "internal" from the sidewalk. Staff has no objections for the improved signage and limited informational graphics system for a multi-story building with a two-story retail component to the building that spans an entire 350'-0" long city block; previously no information or detail has been provided indicating what copy is proposed on the "directional signs" copy, i.e., "to upper level" or "second level access". Now, the applicant is indicating the signage with the wayfinding graphics, ELEVATOR + STAIRS and LEVEL2 + GARAGE.

B. SIGN AREA ABOVE GROUND FLOOR: SECOND FLOOR ('PARKING'): The project proposes two dynamic *P A R K I N G* signs above the ground floor of the commercial building, one installed along 16th Street perpendicular to the r-o-w and one installed along Alton Road also perpendicular to the r-o-w. The Code does not allow signs for businesses located above the first floor, therefore no sign area is allowed.

45. A variance to install a projecting sign for parking above the ground floor facing Alton Road.
46. A variance to install a projecting sign for parking above the ground floor facing 6th Street.

- Variances requested from:

Sec. 138-16. Wall sign.

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

Height restrictions, Wall Sign Design Standards per District, CD-2, Shall not be located above the ground floor.

55. A variance to exceed by ~~245.9~~ **12.5** SF the maximum sign area of 15 SF for projecting signs in order to install a projecting sign for parking with ~~230.9~~ **27.5** SF facing Alton Road.

~~56. A variance to exceed by 130.3 SF the maximum 15 SF for projecting signs in order to install a projecting sign for parking facing 6th Street with 145.3 SF.~~

- Variances requested from:

Sec. 138-18. Projecting sign.

Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. Such signs shall be governed by the following chart:

Maximum area, projecting Sign Design Standards per District, CD-2: 15 square feet.

65. A variance to exceed by ~~230.9~~ **27.5** SF the maximum zero (0 SF) SF of sign area allowed in order to install a projecting sign for parking facing Alton Road with a total area of ~~230.9~~ **27.5** SF.

~~66. A variance to exceed by 82.7 SF the 62.6 SF maximum aggregate sign area allowed in order to install a projecting sign for parking with 145.3 SF facing 6th Street.~~

- Variances requested from:

Sec. 138-16. Wall sign.

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

Maximum area percentage, Wall Sign Design Standards per District, CD-2: 0.75 square feet for every foot of linear frontage.

Maximum quantity per frontage, Wall Sign Design Standards per District, CD-2: Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area.

Variances #45 and #46 and #55 and #56 and #65 and #66 are specific to the two, dynamic *P A R K I N G* signs. The project, approved in 2016 as a new five-story commercial building with accessory parking and a hotel component, always contemplated being a multi-level retail building with a three level parking component above, in order to provide a much needed parking resource for the western end of Lincoln Road. The applicant believes that wayfinding will be necessary since there is no longer a curb cut from Alton Road and access to the parking is restricted to a three-way drive aisle off of 16th Street. Since the September 03, 2019 DRB, at the direction of the Board, both signs have been greatly redesigned and reduced in area.

Staff agrees with the necessity of providing clear, well designed and not visually obtrusive signage, and believes that as proposed the size of the signage and method of illumination has been improved and is more compatible with the architecture of the building on which it sits. Staff recommends approval of the signs, with the one modification to lower the 'Parking' sign along 16th Street towards the pink 'P' sign.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that **do** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of the requested variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicants have submitted plans and documents with the application that also **do** indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, aside from the requested variances. The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; the proposed signage program requires multiple variance requests.

2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Satisfied; the proposed signage program requires multiple variance requests.
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the proposed signage program requires multiple variance requests.
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Not Satisfied; the proposed signage program requires multiple variance requests.
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; the proposed signage program requires multiple variance requests.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Not Satisfied; the proposed signage program requires multiple variance requests.
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Not Satisfied; The ability to control or limit hours of operation is required in order to ensure that there are no negative impacts from the digital displays on adjacent properties, in particular residential properties.
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Not Satisfied; the proposed signage program requires multiple variance requests.

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not applicable
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied
A recycling plan will be provided as part of the submittal for a demolition permit to the building department.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
All windows will be replaced with hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
Windows are operable.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
All new landscaping will consist of Florida friendly plants.
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Satisfied
Sea Level Rise projections were taken into account.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Not Satisfied
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Satisfied
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Satisfied

- (10) In all new projects, water retention systems shall be provided.

Not Satisfied

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Not Satisfied

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The following summarizes the most significant proposed design modifications that were continued from the July 03, 2019 DRB meeting:

- Installation of two directional Signs at the pedestrian entrances at the ground level (See 'Project' and 'Variance Review'); and
- Installation of two new projecting PARKING signs for the proposed garage including variances (See 'Project' and 'Variance Review').

SIGNAGE PROGRAM

The applicant was approved for a signage program for both the ground floor and second floor tenants that will have the ability to differ in size, font style and color. Each potential retail outlet will be allowed two signs, the larger projecting signs approved up to a maximum of 15 SF with eighteen (18) inch letters). The smaller blade signs will remain a maximum of 3 SF in size.

DIRECTIONAL SIGNS

The applicant had requested two directional signs at the pedestrian entrances at the ground level. The applicant is proposing to reduce the size of these signs to less than 10 SF each with a maximum letter height of eighteen (16) inches. This reduction will allow the signs to meet the goal of directing pedestrians to the second level while avoiding too much sign clutter. The directional signs will be tucked into the two pedestrian access points in the first phase of the project. Because of their size and location, the directional signs will serve as important wayfinding aids while otherwise not having an impact on the general public. They have been designed in the same manner as the approved metal projecting signs for the retail tenants.

PARKING SIGNS

The 'PARKING' sign along Alton Road has been reduced significantly and the design has been modified to limit its visual impact. The total sign length is now just fifteen (15) feet (from an original forty (40) feet). The design is now proposed to consist of post mounted extruded metal letters with neon tubing located in each letter, removing the solid backing that had been previously requested. The sign will be visible from both the north and south.

The 'Parking' sign along 16th Street has also been significantly reduced in size and the 'Parking' portion of the sign is now proposed at fifteen (15) feet in length. The main portion of the sign shall remain c-channel with neon lighting open only to the east. The height of the sign on the building has been significantly reduced and it is now proposed to be located just above the parking garage entrance to facilitate wayfinding.

VARIANCE REVIEW

As noted under the 'Project' description, the variances being requested for signs pertain to directional wayfinding signage at the ground floor, as well as larger PARKING identifying signs. As presently configured, staff is supportive of the requested variances.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the design and the requested variances subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria and Practical Difficulty and Hardship criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 03, 2019

FILE NO: DRB18-0337

PROPERTY: **1600-1634 Alton Road "1212 Lincoln Road"**

APPLICANTS: ARRP 1600 Alton LLC, 1212 Lincoln LLC, and Wells Fargo Bank NA

LEGAL: Lots 1 thru 9 of Block 45 of the "Commercial Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for ratification and approval, pursuant to a settlement agreement between the City and the Applicant, of a portion of "electronic noncommercial graphics and images" elements of the building; exterior design modifications to the exterior of the building including exterior lighting features; and the design of a uniform commercial signage program including variances to exceed the maximum size for projecting signs, to exceed the maximum aggregate sign area allowed per tenant, to exceed the maximum size for directory signs, to install directory signs as projecting signs, to install more than one directory sign, to install multiple signs above the first floor, to install multiple signs without providing direct access from the street, to install signage facing a non-street façade, to install a building identification sign below the roof line and to install a building identification sign as a projecting sign.

MODIFIED ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 9 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, and 10 in Section 133-50(a) of the Miami Beach Code.

- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
1. The project shall comply with all the conditions imposed by the Planning Board Order No. 2325.
 2. All of the original conditions of approval by this Board, as reflected in the Final Order dated July 05, 2016, pursuant to DRB0416-0015, and February 06, 2017 pursuant DRB16-0090, and July 03, 2019, shall remain in effect except as modified and approved herein.
 3. The project modifications and conditions set forth in the Settlement and Release Agreement, approved and executed pursuant to City Resolution No. 2018-30286, are hereby ratified and approved by the Board.
 4. The project may take place as a phased development project in accordance with the following phasing schedule:
 - a. **Phase I** (lots 1 and 2 and lots 3 through 7 of Block 45) shall consist of all proposed development south of the surface lot of Wells Fargo Bank, except that it will exclude the first story of the existing buildings on lots 1 and 2 (1600 Alton Road site), and as defined as depicted on the submitted plans. A building permit for the Phase I improvements shall issue within eighteen (18) months of the Board's original approval; and

Phase II (lots 8 and 9 of Block 45) shall consist of all proposed development north of lot 7 of Block 45, and as defined as depicted on the submitted plans. Phase II will include the demolition of the Wells Fargo bank and construction of the new corner retail and hotel building. A building permit for the Phase II improvements shall issue within twelve (12) months following the issuance of the final certificate of occupancy for the Phase I improvements.
 - b. The final certificate of occupancy for Phase I shall not be issued until the existing structure on lot 9 has been demolished and construction of Phase II has commenced.
 5. Revised elevation, site plan and image drawings for the proposed digital display artistic super graphics along locations along portions of the north and east side elevations shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The digital display artistic super graphics shall comply with the conditions in the Settlement and Release Agreement between the City of Miami Beach and the applicant entered into on August 7th, 2018 and approved and executed pursuant to City Resolution No. 2018-30286.
 - b. A complete inventory of the proposed imagery will be required to be reviewed in its entirety as part of the super graphics approval and details shall be submitted in a manner to be reviewed and approved by the Board.

- c. The size of the two electronic mural, graphics and images **shall** be approved as proposed.
- d. The final design, location and orientation of the LED screen along the South Graphic Wall shall be flexible and subject to the review of staff.
- e. The applicant shall explore further articulation in the form of score lines or other architectural demarcation of the exterior of the south graphic wall field of stucco, subject to the review of staff.
- f. **OPERATIONAL CONDITIONS**
 - i. The Noise and Operational Conditions below are issued to the Applicants ("Operator") as owner, tenant and/or operator of the proposed LED panel screens and digital display equipments on the property. Any change of the operator shall require review and approval by the Design Review Board as a modification of this approval. Subsequent operators shall be required to appear before the Board, within ninety (90) days of change of operator to affirm their understanding of the conditions listed herein. The Board reserves the right to determine the timing and need for future progress reports for the new operator.
 - ii. Within ninety (60) days of the issuance of the TCO or CO for the project, the Operator shall make a progress report to the Design Review Board. The Board reserves the right to modify the conditions of this approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
 - iii. The images on the LED panels murals, graphics or images shall be reduced in illumination to a maximum of 250nits from Midnight– 2:00 a.m.
 - iv. The proposed 24 hour program for the electronic murals, graphics and images **shall not** be permitted as proposed. The hours of operation for the digital display imagery to change shall be as follows:
 - Sunday – Thursday:
7:00 a.m. – Midnight
 - Friday - Saturday:
7:00 a.m. – 2:00 a.m.
- 6. Revised elevation, site plan and image drawings for the proposed signage program located at 1600-1634 Alton Road "1212 Lincoln Road" shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The 30'-0" tall panel of the building '1212' ID sign shall not be permitted as proposed. The architect shall further refine the '1212' building ID signage as each of the typographic numerals to be individually mounted to the vertical façade of the garage, subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.

- b. The proposed 'PARKING' projecting signage shall not be approved as proposed.
- c. The design of the first and second level retail signage shall not be approved as proposed. All ground floor and second floor retail signage shall be limited to a 15 SF projecting sign and 3 SF blade sign per tenant and shall be installed in the same location and method of construction. Each individual tenant shall embrace the following:: 1. A combination of some form of individual or channel letter such as front lit, back lit or open face; 2. Variations in letter style, size, color and material; 3. All signage should be located in a similar vicinity, unique to each storefront; 4. Clear and precise detailing regarding method of connection and installation to building façade or architectural element; and 4. Details of methods of illumination, conduits and wiring.
- d. The proposed neon/LED lighting tubes along the upper levels of the southwest portion of the garage structure shall not be approved as proposed.
- e. The parking garage screening shall be approved as proposed. The final design details and color selection of the "crescent panel" cladding proposed finish shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- g. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):

The following variance(s) were **denied** by the Board:

- 1 - 6. Variances to exceed by 5.0 SF the maximum sign area of 15 SF allowed for projecting signs in order to install one 20 SF projecting sign for 6 commercial spaces at the ground level along Alton Road. (Variances denied)
- 7 - 12. Variances to exceed by 1.81 SF the maximum sign area of 21.18 SF in order to install one 20 SF projecting sign and one 3 square feet projecting sign for 6 commercial spaces at the ground level along Alton Road resulting in an aggregate sign area of 23 SF for each commercial space. (Variances denied)

The following variances were **approved** at the September 03, 2019 Design Review Board meeting by the Board:

13. A variance to install two (2) directory signs at the ground level where only one is allowed fronting Alton Road.
14. A variance to install a directory sign as a projecting sign at the ground floor on the north side.
15. A variance to install a directory sign as a projecting sign at the ground floor on the south side.
16. A variance to exceed by 9 SF the maximum sign area of 6 SF for directory signs in order to install a directory sign at the ground level with 15 SF on the north side fronting Alton Road.
17. A variance to exceed by 9 SF the maximum sign area of 6 SF for directory signs in order to install a directory sign at the ground level with 15 SF on the south side fronting Alton Road.

The following variances were **approved** by the Board at July 03, 2019 DRB meeting:

- 18 - 25. Variances from the requirement of having direct access to the street for each licensed establishment to install eighteen (18) signs for 8 commercial spaces at the second floor of the building.
26. A variance from the requirement of having direct access to the street for each licensed establishment to install a projecting sign for parking facing Alton Road.
- 27 - 44. Variances for the installation of sixteen (**16**) signs to be located above the ground floor for 8 commercial spaces at the second floor.

The following variances were **approved** at the September 03, 2019 Design Review Board meeting by the Board:

45. A variance to install a projecting sign for parking above the ground floor facing Alton Road.
46. A variance to install a projecting sign for parking above the ground floor facing 6th Street.

The following variances were **denied** by the Board at the July 03, 2019 DRB meeting:

- 47 – 54. Variances to exceed by 5 SF the maximum sign area of 15 SF for projecting signs in order to install one 20 SF projecting sign for 8 commercial spaces at the second floor.

The following variances were **approved** at the September 03, 2019 Design Review Board meeting by the Board:

- 55. A variance to exceed by 215.9 SF the maximum sign area of 15 SF for projecting signs in order to install a projecting sign for parking with 230.9 SF facing Alton Road.
- 56. A variance to exceed by 130.3 SF the maximum 15 SF for projecting signs in order to install a projecting sign for parking facing 6th Street with 145.3 SF.

The following variances were **approved** by the Board at the July 03, 2019 DRB meeting:

- 57 – 64. Variances to exceed by **18 SF** the maximum of zero (0 square feet) square feet of sign area allowed in order to install one **15 SF** projecting sign and one 3 SF projecting sign **a maximum of 8** commercial spaces at the second floor resulting in an aggregate sign area of 18 SF for each commercial space.

The following variances were **approved** at the September 03, 2019 Design Review Board meeting by the Board:

- 65. A variance to exceed by 230.9 SF the maximum zero (0 SF) SF of sign area allowed in order to install a projecting sign for parking facing Alton Road with a total area of 230.9 SF.
- 66. A variance to exceed by 82.7 SF the 62.6 SF maximum aggregate sign area allowed in order to install a projecting sign for parking with 145.3 SF facing 6th Street.

The following variance(s) were **denied** by the Board at the July 03, 2019 DRB meeting:

- 67. A variance to install a projecting sign on a non-street façade at the north side of the building for the commercial space located at the north corner of the second floor of the building.

The following variances were **approved** by the Board at the July 03, 2019 DRB meeting:

- 68. A variance to relocate a building identification sign '1212' below the main roof line facing Alton Road.
- 69. A variance to install a building identification sign '1212' as a projecting sign facing Alton Road.
- 70. A variance to exceed by 157.5 SF the maximum sign area of 15 SF for a projecting sign '1212' proposed as a building identification sign with 172.5 SF facing Alton Road.

- B. The applicants have submitted plans and documents with the application that partially satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicants have submitted plans and documents with the application that also partially indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

C. The Board hereby **Approves** Variance request(s) #18-26, #57-64, and #68-70, and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.

- A. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.

- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. The applicants shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the brightness, flickering, intensity and/or overall visual distraction of the new building's digital display equipment to the public right-of way.
- F. In the event Code Compliance receives complaints of unreasonably bright and intense light, bothersome light pollution, or distractions from pedestrians or motorists from the digital display super graphics equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the light intensity and brightness of the digital display imagery, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- J. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in

Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1212 Lincoln Road", as prepared by **Perkins + Will**, dated July 08, 2019, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of

_____ 20__ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires:_____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Design Review Board on _____ ()